

Application No. 10/075,683
Amendment dated November 18, 2004
Reply to Notice of Allowance dated November 2, 2004

REMARKS

This is an Amendment Under 37 C.F.R. 1.312. Prior to this Amendment, claims 1-20, 25, 26, 30, 32, 33 and 35 were pending and allowed. A Notice of Allowability and a Notice of Allowance and Fee(s) due was sent on November 2, 2004 directed to these claims.

On September 30, 2003, the Examiner issued an Office Action in which claims 1-36, the originally filed claims, were the subject of a restriction and election requirement. Two inventions were cited by the Examiner: Group I, directed to claims 1-36 and Group II, directed to claims 36. In Group I, the Examiner stated that there were categories (a) - (c) of patentably distinct species. The Examiner required election of claims 16-20 or claims 21-24 in category (a), the election of claim 27 or claims 28-29 or claims 30-32 or claim 34 in category (b) and the election of claim 31 or claim 32 in category (c). The Examiner stated that the claims will be restricted in this manner if no generic claim is finally held to be allowable. The Examiner stated that claims 1-15, 25-26, 33, 35 and 36 are generic and that upon allowance of a generic claim the applicant will be entitled to additional species which are written in dependent form or otherwise include the limitations of an allowed generic claim.

On October 24, 2003, the applicants elected the species of category (a)(1) directed to claims 16-20, the species of category (b)(3) directed to claims 30-32 and the species of category (c)(ii), directed to claim 32, without traverse.

In an Office Action dated January 22, 2004, the Examiner noted that claims 21-24, 27-29, 31, 34 and 35 were withdrawn from consideration.

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On March 11, 2004, the applicants responded to the Amendment and inadvertently cancelled claims 21-24, 27-29, 31 and 34. Claims 21-24, 27-29, 31 and 34 all depend either directly or indirectly from independent claim 1, which, as the Examiner stated, is a generic claim. Claim 1, as amended, was allowed. In the Amendment of March 11, 2004, claim 1 was amended only to overcome a rejection under 35 U.S.C. § 112.

It is respectfully requested that the Examiner consider and reinstate cancelled claims 21-24, 27-29, 31 and 34 and issue a supplemental notice of allowance since all of these claims are dependent claims that depend, directly or indirectly from independent claim 1. Applicants acknowledge that it was their inadvertent error. While consideration of an amendment under 37 CFR 1.312 cannot be demanded as a matter of right, this amendment is needed for proper protection of the invention, and, it is believed, requires no substantial amount of additional work on the part of the Examiner. The new claims require no additional search or examination (other than for indefiniteness) since a generic claim has been allowed..

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The Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

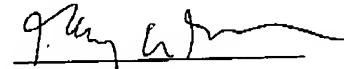
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

November 18, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

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